

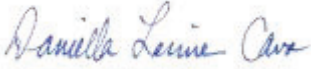
Memorandum



Date: July 13, 2026

PC
Agenda Item No. 3(A)

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Recommendation to Reject All Proposals for Development of Landfill Gas Conversion Project

Executive Summary

This item is for the rejection of all proposals received under a solicitation to design, build, finance, operate and maintain a Renewable Natural Gas (RNG) system to clean and utilize the landfill gas at the South Dade Landfill and North Dade Landfill sites for the Department of Solid Waste Management (DSWM). The reason for the rejection is that all proposals received were deemed non-responsive by the County Attorney's Office (CAO). Approval of this rejection will allow the County to expeditiously update the solicitation taking into consideration the issues encountered in the proposals, including the viability of one of the landfills, in order to resolicit under full and open competition since there are multiple vendors that are interested in this project.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve rejection of all proposals received under *Request for Proposals (RFP) No. EVN0019329, Development of Landfill Gas Conversion Project*, as all proposals were deemed non-responsive.

Background

An RFP was issued under full and open competition on July 8, 2025, to comply with a Board directive at the July 1, 2025 meeting. The awarded developer would be responsible for the Landfill Gas Conversion Project to design, build, finance, operate and maintain private facilities via lease agreements on predetermined County property at the landfills. The facilities would utilize the landfill gas at both locations which is currently collected and combusted onsite. The facilities would produce RNG suitable for injection into the natural gas pipeline, or for another beneficial use, such as conversion to compressed natural gas (CNG), with the revenue generated shared between the developer and County.

On the closing date of October 15, 2025, the County received five proposals. Upon review of the proposals, issues in all proposals were identified and submitted on November 17, 2025 to the CAO to ascertain whether the proposals were responsive. On December 29, 2025, the CAO deemed all proposals non-responsive.

The new solicitation will likely be issued to design, build, finance, operate and maintain a landfill gas conversion facility at the South Dade Landfill site only, as proposals indicated that the North Dade Landfill is not a viable site and would not be financially sustainable. It should be noted that the cost to the developer to design and build each facility was estimated to be over \$30,000,000. Before issuing the solicitation, the County will also seek feedback from the proposers and the market in general on how to make the project a success. It is anticipated that at least four proposers would be able to amend their proposals to resubmit under the new solicitation which can be advertised upon the Board's approval of this rejection. The County will also continue to explore what type of project may be feasible to use or convert the landfill gas from the North Dade Landfill, including any new technology as it becomes available.

Scope

The South Dade Landfill is located at 23707 SW 97th Avenue, Homestead, FL within District 8, which is represented by Commissioner Danielle Cohen Higgins. The North Dade Landfill is located at 21500 NW 47th Avenue, Miami, FL within District 1, which is represented by Commissioner Oliver G. Gilbert, III. However, the impact of this item is countywide in nature.

Fiscal Impact/Funding Source

There is no fiscal impact to the County for the rejection of non-responsive proposals.

Track Record/Monitor

Saba Musleh of the Strategic Procurement Department is the Negotiator.

Delegated Authority

There is no delegated authority requested for this rejection. The RFP was issued for this project pursuant to the Board direction at the July 1, 2025 meeting. The updated solicitation will be issued under full and open competition.

Vendor Recommended for Award

None

Vendors Not Recommended for Award

Vendor	Local Address	Reason for Not Recommending
Apex One Home Inspections Corp.	Yes	Deemed non-responsive by the CAO (opinion attached)
Mobius Fuels, LLC	No	
Nopetro Energy	Yes	
Sagepoint Energy Landfill Holdco	No	
Waga Energy, Inc.	Yes	

Applicability of Ordinances and Contract Measures

- The two percent User Access Program would not have applied.
- The Small Business Enterprise Selection Factor and Local Preference would have been applicable.
- The Living Wage Ordinance would not have applied.

Attachment



Roy Coley
Chief Utilities and Regulatory Services Officer

Memorandum



Date: December 29, 2025

To: Saba Musleh
Negotiator
Strategic Procurement Department

From: Brianna E. Donet
Assistant County Attorney
County Attorney's Office

Subject: Request for Responsiveness Determination
RFP No. EVN0019329 – Development of Landfill Gas Conversion Project

You have asked this office if the five proposals submitted in response to RFP No. EVN0019329 (the “Solicitation”) are responsive. I rely on your memorandum dated November 17, 2025.

BACKGROUND

The purpose of the Solicitation is to solicit proposals for a revenue-generating Landfill Gas Conversion Project. The Project includes the design, permitting, building, financing, operating, and maintaining of a Renewable Natural Gas (“RNG”) System to clean and utilize the Landfill Gas (“LFG”) for beneficial use on each of the designated Project Sites which are County-owned property at North Dade Landfill (“NDLF”) and South Dade Landfill (“SDLF”). The County anticipates awarding a contract, for each of the Project Sites, for a 20-year period, with two, five-year options to renew to be exercised at the County’s sole discretion. Proposers are required to propose for both Project Sites, as the County intends to award both Project Sites to a single Selected Proposer. The Solicitation provides that payment to the County shall consist of (1) rent, set pursuant to the Scope of Services, Section 2.6, Financial Responsibilities, and (2) a percentage of gross revenues the Selected Proposer receives through all sources.

DISCUSSION

In general, a proposal may be rejected or disregarded if there is a material variance between the proposal and the solicitation. While a minor variance will not invalidate the proposal, a material variance will. *See Robinson Elec. Co. v. Dade County*, 417 So. 2d 1032, 1034 (Fla. 3d DCA 1982). The determination of whether a variance is material or minor is fact specific and may differ from bid to bid. Florida courts have used a two-part test to determine if the variance in a proposal constitutes a material and, therefore, nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed, and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a proposer in a position of advantage over other proposers. *See Glatstein v. City of Miami*, 399 So. 2d 1005, 1007–08 (Fla. 3d DCA 1981).

Apex One Home Inspections Corp.

You advised that Apex One failed to respond to the Proposer Information section of the Solicitation, including but not limited to Volume E: Payment to County. Pursuant to the Solicitation, the County evaluates price by examining the percentage of gross revenues each proposer proposes to pay to

the County. The Solicitation requires proposers to submit their proposed percentage of gross revenues by filling out Volume E of the Proposer Information section of the Solicitation. However, Apex One failed entirely to respond to the Solicitation's Proposer Information section of the Solicitation, including Volume E. Consistent with prior opinions from this office, a proposer's failure to provide the County with a price proposal as required by an RFP deprives the County of the assurance that the contract the County is soliciting would be entered into and performed according to the County's specific requirements. Accordingly, Apex One's proposal is non-responsive.

Mobius Fuels LLC; Nopetro Energy; and Sagepoint Energy Landfill Holdco

You advised that Mobius Fuels, Nopetro Energy, and Sagepoint Energy all failed to include a proposed percentage of gross revenue for the North Dade Landfill under Volume E of the Solicitation. Mobius Fuels's proposal claims that "[d]ue to the smaller size and near-term closure of the North Dade Landfill, an economic LFG to RNG upgrading facility is not possible at this time." Nopetro Energy's proposal "takes exception to building an RNG system at the site of the North Dade Landfill," claiming that "NDLF is a Class I landfill receiving construction / demolition waste and organic landscaping matter. In our experience, this type of landfill is not conducive to the generation of the quality and quantity of methane desirable for an RNG plant." Finally, Sagepoint Energy's proposal "proposes the development of an RNG project exclusively at the SDLF site. Based on current gas quality data, evaluated by Tetra Tech and the projected decline in flow rates at the NDLF, Sagepoint and Tetra Tech believe that an RNG project there would not be financially sustainable."

The Solicitation, at Section 1.1, Introduction, makes clear: "Proposers must propose for both Project Sites, as the County intends to award both Project Sites to a single Selected Proposer." The failure by Mobius Fuels, Nopetro Energy, and Sagepoint Energy to submit proposed percentages of gross revenue for the North Dade Landfill deprives the County of the assurance that the contract the County is soliciting would be entered into and performed according to the County's specific requirements. Accordingly, the proposals submitted by Mobius Fuels, Nopetro Energy, and Sagepoint Energy are non-responsive.

Waga Energy, Inc.

You have indicated that Waga Energy conditioned its proposal on a series of assumptions. *See* Waga Energy Proposal, Section 7.2, Assumptions. For example: "Our offer assumes FGT and Chesapeake have the capacity to accept all RNG produced from the available landfill gas. In the event that they do not have capacity, we reserve the right to revise the design capacity and financial offer." *Id.* Further:

Waga Energy assumed an electricity cost of \$76.4/MWh for the North Dade landfill and \$73.4/MWh at the South Dade landfill based on local electricity rates provided by energy tool base. Waga Energy will cover the cost increase at CPI year-over-year and reserves the right to pass on additional electric costs to the landfill by recapturing royalties if the electricity rate significantly inflates above the CPI inflation.

Id. Finally: "This proposal is subject to final approval by Waga Energy's Board. Any obligation on the part of Waga Energy shall arise only when and if mutually satisfactory definitive agreements are executed between Waga Energy and the County." *Id.*

"Bid-responsiveness determinations focus on whether a bidder has unequivocally offered to perform, without exception, 'the exact thing called for in a solicitation so that acceptance of the bid will

bind the contractor to perform in accordance with all of the IFB's material terms and conditions.'" *Monument Realty LLC v. Wash. Metro. Area Transit Auth.*, 535 F. Supp. 2d 60, 74 (D.D.C. 2008) (quoting *In re: Walashek Indus. & Marine*, B-281577, 99-1 CPD ¶ 30, 1999 WL 43510, *1, (Comp. Gen. Jan. 29, 1999)). A vendor's qualification of a bid may render it non-responsive, depending on whether the County is deprived of the assurance that the contract would be entered into, performed, and guaranteed according to its specific requirements. *Glatstien*, 399 So. 2d 1007-08. For price bids, if a qualification has a clear and demonstrable effect on the amount of the bid, it is a material deviation that cannot be waived. *Harry Pepper & Assocs., Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1193 (Fla. 2d DCA 1977) ("The test for measuring whether a deviation in a bid is sufficiently material to destroy its competitive character is whether the variation affects the amount of the bid by giving the bidder an advantage or benefit not enjoyed by the other bidders.").

Because Waga Energy qualified its proposal, including its price proposal, its bid is non-responsive. By, for example, "reserv[ing] the right to revise the design capacity and financial offer" of its proposal, Waga Energy has failed to unequivocally offer "to perform, without exception, 'the exact thing called for in a solicitation[.]'" *Monument Realty LLC*, 535 F. Supp. 2d at 74. Consequently, the County is deprived of the assurance that the contract will be entered into, performed, and guaranteed according to its specific requirements, rendering Waga Energy's submittal non-responsive. *See Glatstien*, 399 So. 2d at 1007-08.

CONCLUSION

For the reasons stated above, all five proposals submitted in response to RFP No. EVN0019329 are non-responsive.

/s/ Brianna E. Donet
Brianna E. Donet



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: September 1, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☒ **"3-Day Rule" for committees applicable if raised**
- ☐ **6 weeks required between first reading and public hearing**
- ☐ **4 weeks notification to municipal officials required prior to public hearing**
- ☐ **Decreases revenues or increases expenditures without balancing budget**
- ☐ **Budget required**
- ☐ **Statement of fiscal impact required**
- ☐ **Statement of social equity required**
- ☐ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- ☐ **No committee review**
- ☐ **Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) ____) to approve**
- ☐ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

RESOLUTION NO. _____

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN
RESPONSE TO REQUEST FOR PROPOSALS NO.
EVN0019329, DEVELOPMENT OF LANDFILL GAS
CONVERSION PROJECT, FOR THE DEPARTMENT OF SOLID
WASTE MANAGEMENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board rejects all proposals received in response to Request for Proposals No. EVN0019329, Development of Landfill Gas Conversion Project, for the Department of Solid Waste Management. A copy of the solicitation document and the proposals received in response are on file with and available upon request from the Strategic Procurement Department.

The foregoing resolution was offered by Commissioner _____ ,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	
Kionne L. McGhee, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Sen. René García	Oliver G. Gilbert, III
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Vicki L. Lopez
Natalie Milian Orbis	Raquel A. Regalado
Micky Steinberg	

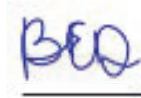
The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2026. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Brianna E. Donet